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Attorneys for the Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 3:16-cr-00086-SLG-DMS
vs.)	
)	
)	
JOHN PEARL SMITH, II,)	
)	
Defendant.)	
_____)	

UNITED STATES'S PROPOSED TRIAL SCHEDULING ORDER [ECF No. 1095]

Consistent with the Court's order, the United States submits the following proposed trial scheduling order. The parties conferred regarding the scheduling order, but did not agree to a schedule. The United States opposes an order requiring it to furnish a witness list: because this is no longer a capital case, the requirement of a witness list under 18 U.S.C. § 3432 no

longer applies. *United States v. Payseur*, 501 F.2d 966, 972 (9th Cir. 1974). As this case has been thoroughly litigated, the United States further submits that an extended pretrial motions deadline should not be permitted, as the motions deadlines elapsed in 2019.

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Scheduling Order

Type of pre-trial disclosure/deadline	Deadline
Updates to Rule 609 Motions in Limine	September 7, 2021
Rule 609 Motions in Limine Responses	September 14, 2021
Trial Brief, Proposed Jury Instructions, Proposed Voir Dire, Parties to produce remaining Jencks statements*	September 20, 2021
Final Pretrial Conference	September 27, 2021
Exchange of Exhibits in digital and hard copy/Lodge Copy of Exhibits with Court	October 4, 2021
TRIAL	October 18, 2021, at 9:00 a.m.

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* Although this deadline is not enforceable, see *United States v. Taylor*, 802 F.2d 1108, 1118 (9th Cir. 1986), the United States intends on producing the remaining Jencks materials by the deadline ordered by the Court.

Respectfully submitted this 8th day of July, 2021 in Anchorage, Alaska.

E. BRYAN WILSON
Acting United States Attorney

/s/ Karen Vandergaw

Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2021, a copy
of the foregoing was served via the CM/ECF
system on:

Suzanne Lee Elliot
Mark Larrañaga
Theresa Duncan

/s/ Karen Vandergaw